

THE BRIDGES LAW GROUP

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**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF NEW JERSEY**

<p>TYSHON EDWARDS,</p> <p><i>Plaintiff,</i></p> <p>vs.</p> <p>CITY OF TRENTON, MICHAEL TILTON, JOHNATHON CINCILLA, NICHOLAS MAHAN, ERIC AVALOS, ANTHONY KUBISH, and JOHN DOES 1-8,</p> <p><i>Defendants.</i></p>	<p>Civ. A. No. 20-13552</p> <p>ANSWER TO COMPLAINT WITH SEPARATE DEFENSES</p>
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Defendants City of Trenton, Michael Tilton, Johnathon Cincilla, Nicholas Mahan, Eric Avalos, Anthony Kubish and John Does 1-8 (hereinafter “Defendants”) by and through their attorneys The Bridges Law Group, Wesley Bridges, Esquire and Natacha Andrews, Esquire, by way of Answer to the Complaint of *Plaintiff Tyson Edwards* (“Plaintiff”), hereby aver as follows:

I. Introduction

1. Denied.
2. Denied.
3. Denied.
4. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

5. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

6. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

7. The allegations contained in this Paragraph of the Complaint do not require an answer from Defendants. To the extent an answer is deemed required Defendants deny same and leave Plaintiff to his strict proofs at time of trial.

II. The Parties

8. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

9. Admitted.

10. Defendants admit that the City of Trenton Police Department is a department of the city but deny the remaining allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

11. Defendants admit that Defendant Michael Tilton is a police officer employed by the City of Trenton Police Department. Defendants deny the remaining allegations contained in this Paragraph of the Complaint insofar as they call for a legal conclusion and therefore leave Plaintiff to his strict proofs at time of trial.

12. Defendants admit that Defendant Johnathan Cincilla is a police officer employed by the City of Trenton Police Department. Defendants deny the remaining allegations contained

in this Paragraph of the Complaint insofar as they call for a legal conclusion and therefore leave Plaintiff to his strict proofs at time of trial.

13. Defendants admit that Nicholas Mahan is a police officer employed by the City of Trenton Police Department. Defendants deny the remaining allegations contained in this Paragraph of the Complaint insofar as they call for a legal conclusion and therefore leave Plaintiff to his strict proofs at time of trial.

14. Defendants admit that Defendant Eric Avalos is a police officer employed by the City of Trenton Police Department. Defendants deny the remaining allegations contained in this Paragraph of the Complaint insofar as they call for a legal conclusion and therefore leave Plaintiff to his strict proofs at time of trial.

15. Defendants admit that Anthony Kubish is a police officer employed by the City of Trenton Police Department. Defendants deny the remaining allegations contained in this Paragraph of the Complaint insofar as they call for a legal conclusion and therefore leave Plaintiff to his strict proofs at time of trial.

16. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

III. Jurisdiction and Venue

17. Defendants deny the allegations contained in this Paragraph of the Complaint insofar as they call for a legal conclusion and therefore leave Plaintiff to his strict proofs at time of trial.

18. Defendants deny the allegations contained in this Paragraph of the Complaint insofar as they call for a legal conclusion and therefore leave Plaintiff to his strict proofs at time of trial.

IV. Factual Background

19. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

20. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

21. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

22. Denied.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Admitted.

29. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

30. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

31. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

32. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

33. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

34. The allegations contained in this Paragraph of the Complaint do not require an answer from Defendants. To the extent an answer is deemed required Defendants deny the allegations contained in this Paragraph of the Complaint and leave Plaintiff to his strict proofs at time of trial.

35. Admitted.

36. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

37. Defendants deny the allegations contained in this Paragraph of the Complaint insofar as they relate to a written document that speaks for itself. To the extent an answer is deemed required Defendants deny same and leave Plaintiff to his strict proofs at time of trial.

38. Defendants deny the allegations contained in this Paragraph of the Complaint insofar as they relate to a written document that speaks for itself. To the extent an answer is deemed required Defendants deny same and leave Plaintiff to his strict proofs at time of trial.

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40. Defendants deny the allegations contained in this Paragraph of the Complaint insofar as they relate to a written document that speaks for itself. To the extent an answer is deemed required Defendants deny same and leave Plaintiff to his strict proofs at time of trial.

41. Denied.

42. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

43. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

44. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

45. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

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47. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

48. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

49. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

50. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiff to his strict proofs at time of trial.

51. The allegations contained in this Paragraph of the Complaint do not require a response from Defendants. To the extent an answer is deemed required, Defendants deny same and leave Plaintiff to his strict proofs at time of trial.

52. Defendants deny the allegations contained in this Paragraph of the Complaint insofar as they relate to a written document that speaks for itself. To the extent an answer is deemed required Defendants deny same and leave Plaintiff to his strict proofs at time of trial.

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54. Defendants deny the allegations contained in this Paragraph of the Complaint insofar as they relate to a written document that speaks for itself. To the extent an answer is deemed required Defendants deny same and leave Plaintiff to his strict proofs at time of trial.

55. The allegations contained in this Paragraph of the Complaint do not require a response from Defendants. To the extent an answer is deemed required, Defendants deny same and leave Plaintiff to his strict proofs at time of trial.

56. Defendants deny the allegations contained in this Paragraph of the Complaint insofar as they relate to a written document that speaks for itself. To the extent an answer is deemed required Defendants deny same and leave Plaintiff to his strict proofs at time of trial.

57. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiffs to their strict proofs at time of trial.

58. Defendants deny the allegations contained in this Paragraph of the Complaint insofar as they relate to a written document that speaks for itself. To the extent an answer is deemed required Defendants deny same and leave Plaintiff to his strict proofs at time of trial.

59. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiffs to their strict proofs at time of trial.

60. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiffs to their strict proofs at time of trial.

61. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiffs to their strict proofs at time of trial.

62. Defendants have insufficient knowledge upon which to form a belief as to the truth of the allegations contained in this Paragraph of the Complaint and therefore leave Plaintiffs to their strict proofs at time of trial.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

67. Denied.

68. Denied.

69. Denied.

Count I
42 U.S.C. § 1983 (Violation of Fourth and Sixth Amendments)
Against All Individual Defendants

70. Defendants repeat and incorporate the above answers as if same were fully set forth at length herein.

71. (a-j) Denied.

72. Denied.

73. Denied.

WHEREFORE, Defendants respectfully demand judgment against Plaintiff dismissing the Complaint in its entirety with prejudice together with attorneys' fees, costs and such other relief as the Court deems just and proper.

Count II
42 U.S.C. § 1983 (Violation of Substantive Due Process Rights)
Against All Individual Defendants

74. Defendants repeat and incorporate the above answers as if same were fully set forth at length herein.

75. Denied.

76. Denied.

WHEREFORE, Defendants respectfully demand judgment against Plaintiff dismissing the Complaint in its entirety with prejudice together with interest, attorneys' fees, costs and such other relief as the Court deems just and proper.

Count III
42 U.S.C. § 1983 (*Monell* Liability)
Against Trenton

77. Defendants repeat and incorporate the above answers as if same were fully set forth at length herein.

78. Denied.

79. Defendants deny the allegations contained in this Paragraph of the Complaint insofar as they call for a legal conclusion and therefore leave Plaintiff to his strict proofs at time of trial.

80. Denied.

WHEREFORE, Defendants respectfully demand judgment against Plaintiff dismissing the Complaint in its entirety with prejudice together with interest, attorneys' fees, costs and such other relief as the Court deems just and proper.

Count IV
Violation of New Jersey Civil Rights Act (N.J.S.A. 10:6-2(c))
Against All Individual Defendants

81. Defendants repeat and incorporate the above answers as if same were fully set forth at length herein.

82. Denied.

WHEREFORE, Defendants respectfully demand judgment against Plaintiff dismissing the Complaint in its entirety with prejudice together with interest, attorneys' fees, costs and such other relief as the Court deems just and proper.

Count V
Violation of New Jersey Civil Rights Act (N.J.S.A. 10:6-2(c))
Against Trenton

83. Defendants repeat and incorporate the above answers as if same were fully set forth at length herein.

84. Denied.

WHEREFORE, Defendants respectfully demand judgment against Plaintiff dismissing the Complaint in its entirety with prejudice together with interest, attorneys' fees, costs and such other relief as the Court deems just and proper.

Count VI
Malicious Prosecution (Common Law)
Against All Defendants

85. Defendants repeat and incorporate the above answers as if the same were fully set forth at length herein.

86. Denied.

87. Denied.

WHEREFORE, Defendants respectfully demand judgment against Plaintiff dismissing the Complaint in its entirety with prejudice together with interest, attorneys' fees, costs and such other relief as the Court deems just and proper.

THE BRIDGES LAW GROUP
Attorneys for Defendants

By: /s/ Wesley Bridges
WESLEY BRIDGES, ESQUIRE

Dated: November 30, 2020

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by applicable law.

THIRD AFFIRMATIVE DEFENSE

Plaintiff's claims are barred as Defendants acted at all times in good faith.

FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred as Ganges did not engage in any willful or malicious acts.

FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of estoppel.

SIXTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of unclean hands.

SEVENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of waiver.

EIGHTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by the doctrine of laches.

NINTH AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which an award of attorney's fees can be granted.

TENTH AFFIRMATIVE DEFENSE

None of the damages sought by Plaintiff are properly recoverable in this action.

ELEVENTH AFFIRMATIVE DEFENSE

Plaintiff has not been damaged by any conduct of Defendants.

TWELFTH AFFIRMATIVE DEFENSE

Defendants breached no duty owed to Plaintiff, either express or implied.

THIRTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by his failure to mitigate damages.

FOURTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred in whole or in part by the applicable statute of limitations.

FIFTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred, in whole or in part, because Plaintiff is not entitled, in whole or in part, to the damages sought in the Complaint.

SIXTEENTH AFFIRMATIVE DEFENSE

All damages sustained were the result of the acts of third persons, over whom Defendants exercised no control and for whose actions Defendants are not legally responsible.

SEVENTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are frivolous as a matter of law.

EIGHTEENTH AFFIRMATIVE DEFENSE

Plaintiff's claims are frivolous.

NINETEENTH AFFIRMATIVE DEFENSE

Plaintiff received all wages, payments, benefits, compensation and protections to which he was entitled.

TWENTIETH AFFIRMATIVE DEFENSE

There is no causal nexus between any protected activity alleged by Plaintiff and any action taken by Defendants pertaining to Plaintiff.

TWENTY-FIRST AFFIRMATIVE DEFENSE

Some or all of Plaintiff's claims are barred by Plaintiff's failure to exhaust administrative remedies.

TWENTY-SECOND AFFIRMATIVE DEFENSE

Defendants acted in good faith in all times in compliance with applicable New Jersey law and thus any claims for penalties, damages, punitive damages or liquidated damages are improper.

TWENTY-THIRD AFFIRMATIVE DEFENSE

Some or all of the claims asserted in the Complaint are barred because all acts or omissions were in good faith, in conformity with, and in reliance on administrative regulations, orders and/or rulings.

TWENTY-FOURTH AFFIRMATIVE DEFENSE

Defendants reserve the right to amend and to assert any additional and separate defenses based upon the discovery of additional facts ascertained through continuing and ongoing investigation and discovery.

WHEREFORE, Defendants respectfully requests that this Court deny the relief requested by Plaintiff's, dismiss the Complaint in its entirety with prejudice, and award Defendants costs of suit, attorneys' fees and such other relief as the Court deems just and proper.

THE BRIDGES LAW GROUP

Attorneys for Defendants

By: /s/ Wesley Bridges
Wesley Bridges

Dated: November 30, 2020

LOCAL CIVIL RULE 11.2 VERIFICATION

The matter in controversy is not, to the best of Defendants' knowledge, information, and belief, the subject of any other action pending in any court, or of any pending arbitration or administrative proceeding.

THE BRIDGES LAW GROUP

Attorneys for Defendants

By: /s/ Wesley Bridges
Wesley Bridges

Dated: November 30, 2020